

FILED  
SCRANTON

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DEC 07 2016

NORMAN SHELTON, Plaintiff : CIVIL NO. 3:11-CV-1618  
v. : (JUDGE NEALON)  
BRIAN A. BLEDSOE, WARDEN, ET AL., Defendants : (MAGISTRATE JUDGE CARLSON)

PER dw  
DEPUTY CLERK

**ORDER**

AND NOW, THIS 6<sup>TH</sup> DAY OF DECEMBER, 2016, upon consideration of the Report and Recommendation, (Doc. 95), issued by Magistrate Judge Carlson on March 21, 2016, in which the Magistrate Judge recommends that Defendants Whitaker and Wells be dismissed and the remainder of the summary judgment motion be denied without prejudice, and it appearing from Defendants' objections, (Doc. 108), that the Magistrate Judge addressed only a renewed motion for summary judgment without addressing Defendants' renewed motion to dismiss, (Docs. 22, 83), IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation is **ADOPTED, IN PART**, with respect to the stipulated dismissal of Defendants' Whitaker and Wells, and the Clerk of Court is directed to **TERMINATE** Defendants Whitaker and Wells from this action. See (Doc. 64), (Doc. 71), (Doc. 87, p. 2), (Doc. 95, p. 7);
2. Defendants' objections, (Doc. 108), are **SUSTAINED** to the extent that the Report and Recommendation, (Doc. 95), did not address Defendants' renewed motion to dismiss (Docs. 22, 83) and the remainder of the Report

and Recommendation is **REJECTED** on this basis; and

3. The matter is **REMANDED** to Magistrate Judge Carlson for consideration of Defendants' renewed motion to dismiss, (Docs. 22, 83).

/s/ William J. Nealon  
**United States District Judge**